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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,283	03/19/2004	Brian W. Hedrick	107516	7811

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EXAMINER

BHAT, NINA NMN

ART UNIT	PAPER NUMBER
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1764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/804,283

Applicant(s)

HEDRICK ET AL.

Examiner

N. Bhat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 19-20, drawn to a process for stripping hydrocarbons, classified in class 208, subclass 150.
 - II. Claims 7-18, drawn to FCC stripping apparatus, classified in class 422, subclass 144/145.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions in Group I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be conducted by using a materially different apparatus for example, a cyclone separator or an electrostatic precipitator.
4. Because these inventions are independent or distinct for the reasons given above and because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper. During a telephone conversation between Examiner Singh and Attorney James C. Paschall on 03/01/07 a provisional election was made with traverse to prosecute the invention of Group II, claims 7-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6, and 19-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Action on the merits of claims 7-18 follows:

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 7-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Marchant et al.

Marchant et al. teach a mass transfer packing device which can be employed in any application wherein countercurrent flows of solid particles and gases are contacted. Specifically Marchant et al. teaches using the gas-solid contacting device in the stripping section of an FCC reactor.[Note Column 3, lines 16-22] Marchant et al. teach a packing device which includes a plurality of individual baffles (100) which is structurally and functionally equivalent to applicant's corrugate ribbons, the baffles are corrugated and at least partially obstruct passage of the particles and have at least two faces angular to each other and edges of adjacent ribbed defining openings for passage

of particles, a distributor is included in the FCC vessel of discharging a stripping fluid through the vessel and a port within the vessel for receiving the stripped particles.

Marchant et al. teach generally any number of baffles can be positioned in a row depending upon the size of the apparatus and the baffles are arranged in layers or rows having an array in different orientations. The first layer as shown in Figure 4, show a first layer stacked upon a second layer the faces of the baffles are angular to each other and at least partially obstruct passage of the baffles include the tab and framework which secures the baffles which are equivalent in structure and function as claimed by applicant. Not Figure 4 and the full discussion of the baffles, arrangement, placement and construction delineated in Column 3, lines 48 through Column 5, line 52. Marchant et al. teach an apparatus which fully anticipates applicant's claims as presently drafted.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Luckenbach et al. teach a fluidic bed reactor which includes horizontal baffles in the stripping section of the reactor. Kessler et al. teach a filler body with a cross channel structure for use as a packing in a column or in mixing vessels. Cerqueira et al. teach a stripping apparatus for desorbing gas which include a series of set of at least two baffles which are parallel and segmented baffle plates. Streiff teach a packing which includes two zig-zag layers each of which has a number of parallel rows of rectangular deflecting surfaces with alternating gas in the inclined flanks. Senegas et al. teach a process apparatus for stripping fluidized solids in FCC vessels using packings within the stripper section. Davis teaches a packing element used in

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fluidized bed reactors. Rall et al. teach an apparatus for contacting of gases and solids in fluidized beds.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 571-272-1397. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



N. Bhat
Primary Examiner
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